

Attachment C: Administrative Order Issued February 23, 2012
Texas Instruments NPDES Permit Renewal Letter to EPA Region 1
August 14, 2020



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

**5 Post Office Square, Suite 100
BOSTON, MA 02109-3912**

FEB 23 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Hector Vargas, Manager
Environmental Safety and Health Services
Texas Instruments, Incorporated
13350 TI Boulevard, MS 329
Dallas, Texas 75243

Re: In the Matter of Texas Instruments, Inc., Attleboro, MA
Administrative Order Docket No. 12-002

Dear Mr. Vargas:

Enclosed is an Administrative Order ("Order") issued by the U.S. Environmental Protection Agency, Region I ("EPA") pursuant to Section 309(a)(3) of the Clean Water Act (the "Act"), 33 U.S.C. §1319(a)(3). The Order is based on violations of Section 301(a) of the Act, 33 U.S.C. § 1311(a), and of the limits and conditions contained in National Pollutant Discharge Elimination System ("NPDES") Permit No. MA0001791 (the "Permit"). Specifically, the Order finds that Texas Instruments ("TI") has exceeded the numeric effluent concentration limits for cis-1,2-dichloroethylene and trichloroethylene in dry-weather groundwater infiltration being discharged from Outfall 002A, and the numeric effluent concentration limitation for trichloroethylene in treated groundwater being discharged from Outfall 002B.

The Order requires that, by May 1, 2012, TI complete design of a dry-weather groundwater infiltration collection system ("collection system") and treatment system for the groundwater infiltration and groundwater pumped from recovery wells ("new treatment system"); by September 30, 2012, TI complete construction of the collection system and new treatment system; and by December 31, 2012, TI achieve full compliance with the Permit. The Order also establishes interim effluent limits that TI must meet during the design, construction and system startup period.

The Small Business Regulatory Enforcement and Fairness Act ("SBREFA") provides small businesses the opportunity to submit comments on regulatory enforcement at the time of an Agency enforcement action. The attached Information Sheet contains information regarding their rights, and describes compliance assistance that may be available to you. The Small Business Ombudsman may be reached at 1-800-368-5888. EPA routinely provides this information to businesses whether or not they qualify as small businesses, as defined by the Small Business Administration. Please be aware that

availing yourself of this opportunity does not relieve your facility of its responsibility to comply with applicable federal and state laws and regulations.

The Order is effective upon receipt. Violation of the terms and conditions of this Order may subject TI to further enforcement action under the Act. If you have any questions regarding the requirements of the Order please contact George Harding, P.E., of the Water Technical Unit at 617/918-1870, or Attorney Edith Goldman at 617/918-1866.

Sincerely,



Susan Studlien, Director
Office of Environmental Stewardship

cc w/enc: Joe Bauer, TI ESH
Christopher Tilden, MassDEP SERO

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I**

IN THE MATTER OF

**Texas Instruments, Inc.
NPDES Permit No. MA0001791**

**Proceedings under Section 309(a)(3)
of the Clean Water Act, as amended,
33 U.S.C. §1319(a)(3)**

DOCKET NO. 12-002

FINDINGS OF VIOLATION

AND

ORDER FOR COMPLIANCE

I. STATUTORY AUTHORITY

The following Findings are made and ORDER issued pursuant to Section 309(a)(3) of the Clean Water Act, as amended (the "Act"), 33 U.S.C. § 1319(a)(3). Section 309(a)(3) of the Act grants to the Administrator of the U.S. Environmental Protection Agency ("EPA") the authority to issue orders requiring persons to comply with Sections 301, 302, 306, 307, 308, 318 and 405 of the Act and any permit condition or limitation implementing any of such sections in a National Pollutant Discharge Elimination System ("NPDES") permit issued under Section 402 of the Act, 33 U.S.C. §1342. These authorities have been delegated to EPA Region I's Regional Administrator and, in turn, to the Director of EPA, Region I's Office of Environmental Stewardship (the "Director").

The Order herein is based on findings of violation of Section 301 of the Act, 33 U.S.C. §1311, and the conditions of NPDES Permit No. MA0001791. Pursuant to Section 309(a)(5)(A) of the Act, 33 U.S.C. § 1319(a)(5)(A), the Order provides a schedule for compliance which the Director has determined to be reasonable.

II. FINDINGS

The Director makes the following findings of fact:

1. Texas Instruments, Inc. ("TI") is a corporation established under the laws of the State of Delaware, and is a person under Section 502(5) of the Act, 33 U.S.C. § 1362(5).
2. TI is the owner and operator of a groundwater treatment facility (the "Facility") located at 34 Forest Street in Attleboro, Massachusetts. TI discharges treated and untreated groundwater containing pollutants, as defined in Sections 502(6) and (12) of the Act, 33 U.S.C. §§ 1362(6) and (12), from point sources, as defined in Section 502(14) of the Act, 33 U.S.C. § 1362(14), to Speedway Brook, a Class B waterway that flows into the Ten Mile River, which flows into the Seekonk River, which flows into the Providence River, which flows into Narragansett Bay and the Atlantic Ocean. These water bodies are all "waters of the United States" as set forth at 40 C.F.R. § 122.2 and, thereby, navigable waters under Section 502(7) of the Act, 33 U.S.C. § 1362(7).
3. On October 25, 2010, TI was reissued NPDES Permit No. MA0001791 (the "NPDES Permit") by the Director of the Office of Ecosystem Protection of EPA, Region I, under the authority given to the Administrator of EPA by Section 402 of the Act, 33 U.S.C. § 1342. This authority has been delegated by the Administrator of EPA to the Regional Administrator of EPA, Region I, who in turn delegated this authority to the Director of the Office of Ecosystem Protection of EPA, Region I. The NPDES Permit authorizes TI to discharge pollutants from point sources to specified waters of the United States subject to the effluent limitations, monitoring requirements and other conditions specified in the NPDES Permit. The reissued permit became effective January 1, 2011.
4. Section 301(a) of the Act, 33 U.S.C. § 1311(a), makes unlawful the discharge of pollutants to waters of the United States except in compliance with, among other things, the terms and conditions of an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342.
5. Part 1.A.1 of the NPDES Permit establishes effluent limitations and monitoring requirements for the discharge of groundwater infiltration from outfall 002A to

Speedway Brook. The effluent limitations include dry-weather limitations on the maximum daily concentrations of cis-1,2-dichloroethylene and trichloroethylene.

6. On numerous occasions since January 1, 2011 TI has exceeded the dry-weather maximum daily concentration limitations for cis-1,2-dichloroethylene and trichloroethylene at outfall 002A.
7. Part 1.A.2 of the NPDES Permit establishes effluent limitations and monitoring requirements for the discharge of treated groundwater from outfall 002B to Speedway Brook. The effluent limitations include a dry-weather limitation on the maximum daily concentration of trichloroethylene.
8. On numerous occasions since January 1, 2011 TI has exceeded the dry-weather maximum daily concentration limitation for trichloroethylene at outfall 002B.
9. TI completed an engineering evaluation of groundwater infiltration into the storm sewers leading to outfall 002A and concluded that it is not feasible to eliminate the infiltration. TI is currently designing a dry-weather groundwater infiltration collection system, and a new groundwater treatment system to treat both the dry-weather groundwater infiltration and the contaminated groundwater.
10. TI's discharge of pollutants to Speedway Brook in violation of the NPDES Permit violates Section 301(a) of 33 U.S.C. § 1311(a).

III. ORDER

Accordingly, it is hereby ordered that TI shall:

1. By May 1, 2012, complete design of the dry-weather groundwater infiltration collection system and the new treatment system for dry-weather groundwater infiltration and pumped groundwater from the recovery wells (the "new treatment system").
2. By July 15, 2012, begin construction of the dry-weather groundwater infiltration collection system and the new treatment system.
3. By September 30, 2012, complete construction of the dry-weather groundwater infiltration collection system and the new treatment system.

4. By December 31, 2012, achieve compliance with all effluent limits and other requirements contained in the NPDES permit.

INTERIM EFFLUENT LIMITS

5. For Outfall 002A, TI shall continue to monitor and report the concentration of pollutants in accordance with the measurement frequency and sample type specified in the NPDES Permit. From the effective date of this Order until December 31, 2012, or the date, if any, that EPA determines that TI has not complied with any portion of this Order, whichever is earlier, TI shall, at a minimum, comply with the following interim concentration limitations for cis-1,2- dichloroethylene and trichloroethylene:

	Monthly <u>Average</u>	Maximum <u>Daily</u>
Cis-1,2- dichloroethylene	Monitor Only, µg/l	Monitor Only, µg/l
Trichloroethylene	Monitor Only, µg/l	Monitor Only, µg/l

6. For Outfall 002B, TI shall continue to monitor and report the concentration of pollutants in accordance with the measurement frequency and sample type specified in the NPDES Permit. From the effective date of this Order until December 31, 2012, or the date, if any, that EPA determines that TI has not complied with any portion of this Order, whichever is earlier, TI shall, at a minimum, comply with the following interim concentration limitations for trichloroethylene:

	Monthly <u>Average</u>	Maximum <u>Daily</u>
Trichloroethylene	Monitor Only, µg/l	50 µg/l

7. TI shall comply with all other effluent limitations, monitoring requirements, and other conditions specified in the NPDES Permit not addressed in the previous paragraphs. It is TI's obligation to operate the Facility in a manner so as to maximize removal efficiencies and effluent quality.

IV. NOTIFICATION PROCEDURES

1. Where this Order requires a specific action to be performed within a certain time frame, TI shall submit a written notice of compliance or noncompliance with each deadline. Notification shall be mailed within fourteen (14) days after each required deadline. The timely submission of a required report shall satisfy the requirement that a notice of compliance be submitted.
2. If noncompliance is reported, notification shall include the following information
 - a. A description of the noncompliance;
 - b. A description of any actions taken or proposed by TI to comply with the lapsed schedule requirements;
 - c. A description of any factors that explain or mitigate the noncompliance; and
 - d. An approximate date by which TI will perform the required action.
3. After a notification of noncompliance has been filed, compliance with the past requirement shall be reported by submitting any required documents or providing EPA with a written report indicating that the required action has been achieved. Submissions required by this Order shall be in writing and shall be mailed to the following addresses:

Office of Environmental Stewardship
U.S. Environmental Protection Agency
5 Post Office Square, Suite 100
Mail Code OES 04-4
Boston, MA 02109-3912
Attn: George Harding, P.E.

Massachusetts Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347
Attn: Christopher Tilden

V. GENERAL PROVISIONS

1. This Order does not constitute a waiver or a modification of the terms and conditions of the NPDES Permit. The NPDES Permit remains in full force and effect. EPA reserves the right to seek any and all remedies available under Section 309 of the Act, 33 U.S.C. § 1319, as amended, for any violation cited in this Order.
2. This Order shall become effective upon receipt by TI.

02/22/12
Date

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship
Environmental Protection Agency, Region I